

Notice of Allowability

Application No.

09/415,507

Examiner

Susanna M. Diaz

Applicant(s)

DALAL, MUKESH

Art Unit

3623



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's supplemental amendment filed November 5, 2004.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 08 October 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


SUSANNA M. DIAZ
PRIMARY EXAMINER
A.U. 3623

Reasons for Allowance

1. Claims 1-21 are allowed.

2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is Bhaskaran et al. (U.S. Patent No. 6,157,915). Bhaskaran teaches that the overall supply chain planning is optimized and reoptimized for all entities in the supply chain every time a new scenario is proposed (col. 4, lines 45-48; col. 6, lines 20-23; col. 7, lines 52-66; col. 8, lines 23-49). In col. 8, lines 35-42, an assembler's production capabilities exemplify a culprit as the reason why the assembler cannot produce the requested quantity of items. Furthermore, in col. 4, lines 1-5, Bhaskaran states that the causes, or culprits, of constraints include anything from material constraints to capacity constraints to constraints associated with a "volatile demand from various global markets." Bhaskaran also provides the specific scenario in which one assembler does not have the production capacity to fill a request component demand; therefore, another assembler is notified that he/she needs to make up for this lack of production capacity of the first assembler (col. 8, lines 34-42). The overall supply chain planning is reoptimized for all entities with every change in scenario; however, Bhaskaran does not expressly discuss what occurs if, for example, no assemblers can meet the component demand ultimately required to fulfill demand of assembled products to the end-customer (e.g., Bhaskaran's "global marketplace"). Furthermore, Bhaskaran does not teach that the promise for the supplies from a first entity/supplier is received *at the second entity/entity meeting the demand of a third party*

Art Unit: 3623

and, if the promise for the supplies does not satisfy the request for the supplies, a second constraint according to the culprit identified in the promise for the supplies is generated and the second entity's/entity's (meeting the demand of a third party) production associated with meeting the demand from the third party is reoptimized using the second constraint generated according to the culprit identified in the promise for the supplies to generate a new request for the supplies *at the second entity/entity meeting the demand of a third party*. This combination of limitations is not seen as disclosed or suggested by the prior art. Since the combination is recited in claims 1-21; claims 1-21 are deemed to be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Notani (EP 1361531 A2) -- Discloses a method of optimizing multi-enterprise supply chain agreements based on forecasted demands.

Art Unit: 3623

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.

Susanna Diaz
Susanna M. Diaz
Primary Examiner
Art Unit 3623
November 8, 2004